

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.M. by and through his Guardian Ad
Litem MONICA MARIN,

Plaintiffs,

v.

ALVORD UNIFIED SCHOOL
DISTRICT, and the RIVERSIDE
COUNTY OFFICE OF EDUCATION,
KEVIN McCALLEY, as an individual,
ISRAEL AVILA, as an individual,
FRANCINE RAMIREZ, as an individual,
and BARBARA SPAULDING and DOES
1-10,

Defendants.

CASE NO. EDCV 17-01016-KK

Magistrate Judge Kenly Kiya Kato

[PROPOSED]

**AMENDED ORDER APPROVING
COMPROMISE OF DISPUTED
CLAIM OF MINOR, L.M.**

TRIAL DATE: June 10, 2019
ACTION FILED: May 22, 2017

**NOTE CHANGES MADE BY
THE COURT**

Having considered the Petition for Approval of Minors' Compromise of Claims, Dkt. 52, including the settlement agreement attached thereto, and the Amended Petition for Order Approving Compromise of Disputed Claim of Minor, L.M., Dkt. 54, and the retainer agreement attached thereto, the Court finds:

1. Petitioner, MONICA MARIN, has petitioned for court approval of a proposed compromise of disputed claim of minor.

2. Petitioner, MONICA MARIN, is the parent and Guardian ad Litem to

1 claimant.

2 3. Claimant, L.M., is a minor.

3 4. The action to be compromised is asserted against defendant, Alvord
4 Unified School District, the Riverside County Office of Education, Kevin McCalley,
5 Israel Avila, Francine Ramirez and Barbara Spaulding, herein after collectively
6 referred to as the “payer.”

7 5. The Court orders that:

8 a. The petition for compromise of disputed claim of minor is
9 approved. The gross amount of the settlement in favor of claimant, L.M.
10 is \$40,000.

11 b. The payer shall disperse the proceeds of the settlement approved
12 by this order in the following manner:

13 (1) Attorney’s fees in the amount of \$10,000.00 payable
14 to Rios & Associates, 1499 Huntington Drive, Suite 402, South
15 Pasadena, California 91030;

16 (2) The balance of the settlement available to claimant after
17 payment of allowed fees in the amount of \$30,000.00 drawn
18 payable to the order of the petitioner as trustee for the
19 claimant.

20 c. Within 72 hours of receipt of a draft described in item 5b(2) above,
21 the petitioner and petitioner’s attorney must deposit the draft in the
22 petitioner’s name as trustee for the claimant in a blocked account at Bank
23 of America (“depository”), 929 Fair Oaks Avenue, South Pasadena,
24 California 91030; (626) 578-5125.

25 6. The Court further orders that:

26 a. The blocked account belongs to plaintiff, L.M., a minor. The
27 minor was born on October 13, 2005. No withdrawals of principal or
28 interest may be made from the blocked account without a further written

1 order under this case name and number, signed by a judicial officer, and
2 bearing the seal of this court, until the minor attains the age of 18 years.
3 When the minor attains the age of 18 years, the depository, without
4 further order of this court, is authorized and directed to pay by check or
5 draft directly to the former minor, upon proper demand, all moneys
6 including interested deposited under this order. The money on deposit is
7 not subject to escheat.

8 b. The petitioner and petitioner's attorney shall deliver a copy of this
9 order to the depository in which the funds are deposited under this order.
10 Petitioner shall provide to this court verification of deposit of moneys
11 into blocked account pursuant to this order within 15 days of deposit.

12 c. Petitioner is authorized and directed to execute any and all
13 documents reasonably necessary to carry out the terms of the settlement.

14 7. The court makes the following additional orders:

15 a. Petitioner's attorney is directed to file with this court a copy of the
16 executed retainer agreement with petitioner no later than 12:00 p.m. on
17 March 15, 2019.

18 b. A copy of this executed order shall be served on the payer
19 forthwith.

20 **The notice of dismissal of the action pursuant to Federal Rule of Civil**
21 **Procedure 41 shall be filed with the Court no later than thirty days from the date**
22 **of this Order.**

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25 DATED: March 19, 2019

By: _____



26 Hon. Kenly Kiya Kato
27 United States Magistrate Judge
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